

REMARKS/ARGUMENTS

The present communication is responsive to the Official Action mailed February 8, 2008. A petition for a one-month extension of the term for response to said Official Action, to and including June 8, 2008, is transmitted herewith. As June 8, 2008 was a Sunday, a response filed with a certificate of mailing dated June 9, 2008, is considered timely. Applicant also submits herewith a Request For Continued Examination.

Claims 1-2 and 57-58 remain pending in the application with the present amendments. In the Official Action, all claims were rejected under 35 U.S.C. § 102(e) as assertedly anticipated by U.S. Patent No. 2006/0271989 to *Glaser et al.* ("*Glaser*"). For the reasons set forth below, it is respectfully submitted that the presently pending claims are fully distinguished from *Glaser*. Reconsideration and withdrawal of the rejections are respectfully requested in view of the amendments and remarks herein.

In the transmitting apparatus recited in claim 1, multiplexing means is provided for multiplexing audio digital data of a plurality of audio broadcasts, digital data for an audio information screen and download audio data are multiplexed to form multiplexed data having an audio broadcast component, a digital data component for audio information screen, and a download audio data component. The apparatus includes transmitting means for transmitting the multiplexed data, such that each of the audio broadcast component, the digital data component, and the download audio data component is transmitted completely at least twice within a program period.

These features of claims 1 and 2 are absent in *Glaser*. *Glaser's* high quality transmission process is set up to allow the user to enhance only certain portions (e.g., user-selectable

portions) of the broadcast that the user wants in high quality. See paragraph [0090]. There is no multiplexing of high quality data with the normal quality data and digital data for the audio information screen prior to transmission of the data, as recited in claims 1 and 2. Moreover, the high quality data of *Glaser* also is not transmitted completely as recited in claims 1 and 2; only portions of the high quality data are transmitted. *Glaser* also transmits the high quality data only once in a program period, not at least twice as now recited in claims 1 and 2.

In addition, *Glaser* does not multiplex different types of data to form multiplexed data having a digital data component for an audio information screen, an audio broadcast data component and a download audio data component as recited in claims 1 and 2. *Glaser* merely transmits *portions* of a high quality audio component, not the complete component, only to enhance portions of a currently listened to program. *Glaser* does not do so repeatedly, *i.e.*, by transmitting the high quality component completely at least twice.

Claims 57 and 58 are amended herein to correct certain informalities in their wording. Claims 57 and 58, which depend from claims 1 and 2, are allowable for at least the same reasons as indicated above with respect to claims 1 and 2.

Support for the present amendments is provided, *inter alia*, at FIGS. 4-5 and paragraphs [0068], and [0075] through [0088] of the Specification.

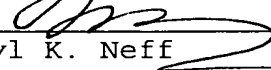
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she

telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which she might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: June 9, 2008

Respectfully submitted,

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